

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 01-199
ACTION AGAINST)	
)	Notice of Administrative
Tacoma School District)	Charges
)	
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Commission, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.680 states in part:

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

III. **BACKGROUND**

On March 23, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging that the Tacoma School District was in violation of RCW 42.17.680 for failing to maintain open for public inspection copies of employees' requests for payroll deductions of contributions to the Washington Education Association's (WEA) political committee, "Washington Education Association – Political Action Committee" (WEA-PAC). PDC staff reviewed the complaint and the response made on behalf of the district by its General Counsel, Susan Schreurs. PDC staff reviewed the Tacoma School District employees' WEA-PAC payroll deduction authorizations submitted to the payroll office for the 2000-2001 school year and the WEA-PAC monthly payroll deduction registers maintained by the Tacoma School District.

IV. **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

**Failure to Maintain Open for Public Inspection Employees' Payroll
Deduction Authorization Forms For Contributions to a Political Committee
(RCW 42.17.680(4))**

A representative of the Evergreen Freedom Foundation (EFF) visited the Tacoma School District's payroll office on March 21, 2001 and asked to see the District employees' requests authorizing payroll deductions for contributions to WEA-PAC. The staff member responsible for payroll deductions was not available, and the EFF representative agreed to visit the district payroll office the following day. On March 22, 2001, the EFF representative returned to the district and was given redacted copies of the WEA-PAC deduction authorizations. The district redacted the names, signatures, addresses, telephone numbers, and social security numbers from the withholding authorizations before showing them to the EFF representative. The district stated that the identifying information was redacted consistent with RCW 42.17.310(1)(b) and (u).¹ The District contends that its failure to provide copies of the withholding authorizations with identifying information included was because disclosure of this information would violate their employees' rights to privacy and freedom of association.

By letter dated March 23, 2001, the district informed EFF that the redacted forms were backed up by signed authorizations kept in the district's files. However, the district denied EFF access to those records. The district did, however, provide records to EFF showing, in total, the amounts and dates funds were withheld and the amounts and dates funds were transferred to WEA-PAC.

PDC staff reviewed the WEA-PAC contribution authorizations and found that none of the 2000-2001 WEA-PAC contributions were withheld before the District received a signed authorization.

¹ RCW 42.17.310 states in part: "The following are exempt from public inspection and copying . . . (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. . . . (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. . . ."

V.
CONCLUSION

Staff alleges, based on the facts specified in Section IV, that the Tacoma School District violated **RCW 42.17.680(4)** by failing to maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts required by RCW 42.17.680 including a copy of each employee's request for withholding wages for the purpose of making contributions to a political committee. By redacting the names and signatures from the withholding requests provided to the EFF representative, the district failed to provide the information required by RCW 42.17.680(4).

RESPECTFULLY SUBMITTED this 30th day of August, 2001.

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Philip E. Stutzman
Director of Compliance